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Trouble Develops On Road to Halting Defense Leaks

When President Reagan issued his directive this spring setting up new procedures to stop security leaks, it seemed like a fine idea. Since then, as American military men have moved deeper into combat in Central America and the Mideast, the idea has seemed even better. Imagine my confusion, then, when the other day I found myself spearing the lunchtime pickles at Mel Krupin's restaurant and listening sympathetically to the case for why some of the new regulations, those involving lie detectors, should be rolled back.

My lunch companion was no professional civil libertarian. He had been a military officer for some 20 years and had had command. He had made a name for himself in Washington as a member in good standing of the arch-hawk fraternity.

But recently he had had a chilling experience: An acquaintance of his who needed access to the Central Intelligence Agency had panicked and flunked the CIA's polygraph test. This guy was shaken, but eventually got an attorney and a short training course in how to deal with the machine. Upon reexamination he passed the test—but, my friend feared, was still haunted by the dark suggestions the machine had made about his inner life.

In early 1982 the Defense Department launched a polygraph-based investigation of a high-level leak. My informant had watched it and gotten another lesson in misuse of the polygraph, for this time the machine was used to intimidate second-echelon Defense officials. "You can't have people reaching down into your organization," the ex-commander explained the principle. "trying to rule through intimidation."

But the Reagan administration learned quite another lesson from its early leaks, and began trying to tighten up its security procedures. Under old Defense Department rules, taking the test was supposed to be voluntary, with no reprisal towards an employee who refused. Moreover, investigating officials were not supposed to act against anyone solely on the basis of poly-

graph results. But in the summer of 1982 a Defense memo appeared calling for periodic random testing of people with access to sensitive information. Anyone who refused could have a clearance pulled.

That fall the department drafted a more formal version of the new rules. But the controversy the project aroused in Congress helped send it back to the drawing board, where it remains so far.

Then this spring a broader presidential directive appeared decreeing that in the course of leak investigations, an agency dealing in classified information could require polygraphs and could visit "appropriate adverse consequences" on employees who refused.

Congressional liberals were of course upset. But it was the late Sen. Henry Jackson who came up with an amendment to the Defense Authorization Act freezing Defense Department rules as they had been before all the memos, drafts and directives. "Like the rest of us," an associate explained the senator's role in the controversy, "Scoop wasn't against the use of polygraphs altogether. But he worried about the probability that superiors were going to misuse the polygraph to intimidate and control their subordinates."

The freeze will last until next April. The players have until then to come up with a final congressional response. Otherwise, the administration will be free once more to implement its new regulations.

I took these worries about the polygraph to a very smart man who had recently held a top-level post in the Defense Department. He knew all the worries about the polygraph. "Yes," he readily admitted, "the polygraph is a somewhat flaky technique. And, yes, it involves a ghastly invasion of a person.

"But remember that the Pentagon is the embodiment of bureaucracy to the nth degree. It views its interests as superior to those of the White House. Its people learn that whatever serves the interests of the institution is permissible, and of course that includes leaks embarrassing to the administration. You absolutely have to try to control and deter that behavior. If you can come up with an institutionalized, easy and plausible means of doing that, I say OK."

This ex-official was no more an unthinking tough guy than the ex-commander was a softie. But the frustrated political appointee had gotten to one of the roots of the problem. For officials like him, dealing with the foreign-policy bureaucracy is almost literally maddening. When I served brief time in the State Department, there were officers of our Foreign Service whom I would not only have polygraphed but

gladly attached to the rack, if only to get them out of range of a telephone for a couple of days. Liberals tend to forget that when unelected bureaucrats refuse to take direction from elected officials, the permanent government is committing a serious offense against democracy.

The polygraph can certainly be used on a voluntary basis for special kinds of employees and special kinds of information, but it can not be a comprehensive answer to our problem. It is no less reliable than a whole slew of other pseudo-scientific techniques and theories that we use to form judgments, but it has an unusual power to stigmatize. More important, use of the machine often forces a man to become his own prosecutor; it is not only the exquisitely sensitive who find this offensive and unacceptable. In the pulling and hauling to come this year, administration officials worried about leaks would do well to drop some of their plans for polygraph expansion.

But those who worry loudest about the polygraph would do well to remember that what keeps administrations reaching for new means to control the bureaucracy is that so many of the bureaucrats are currently uncontrollable. The civil libertarians should be called on in this debate to contribute their own suggestions for making the leak less a habit of bureaucratic life.